

Chapter 9

BUILDINGS*

***Charter reference(s)**--Public buildings, § 4.02; building regulations, § 4.04.

Cross reference(s)--Advertising, Ch. 3; removal of construction signs, § 3-41; certain advertisements or structures prohibited, § 3-44; size, number, height, and location of signs, § 3-96 et seq.; antennas, Ch. 6; notice to Building Official upon completion of antenna, § 6-50; construction standards for antennas, § 6-61 et seq.; erosion and sediment control, Ch. 10; issuance of permit for land disturbing activities, § 10-8; finance and taxation, Ch. 11; fire protection, Ch. 12; flea markets, § 13-4; health and sanitation, Ch. 14; construction standards for food establishments, § 14-41 et seq.; licenses generally, Ch. 15; licensing of contractors, § 15-58; nuisances, Ch. 16; public utilities, Ch. 21; Building Code incorporated into public utilities chapter, § 21-3; refuse from building operations, § 24-43; streets and sidewalks, Ch. 25; building encroaching on street or sidewalk, § 25-7; water and sewers, Ch. 29; buildings to be separately connected to water and sewer system, § 29-4; cross connection control and backflow prevention, § 29-111 et seq.; zoning, Ch. 30; certificate of occupancy under zoning chapter, § 30-7; conditional zoning, § 30-11; floodplain districts, § 30-121 et seq.; existing structures in floodplain districts, § 30-133; mobile home parks, § 30-156 et seq.

State law reference(s)--Authority of Town to require removal, repair, etc., of buildings and other structures, Code of Virginia, § 15.1-11.2; local certification to do building-related work, Code of Virginia, §§ 15.1-11.4, 36-99.1; power of Town to regulate the building of houses, Code of Virginia, § 15.1-15(1); construction, maintenance, etc., of municipal buildings, Code of Virginia, § 15.1-846; repair or other abatement of dangerous buildings, etc., Code of Virginia, § 15.1-867; power of Town to regulate the light, ventilation, sanitation, use and occupancy of buildings, Code of Virginia, § 15.1-869; limitation of prosecutions of Building Code violations, Code of Virginia, § 19.2-8; Virginia Industrialized Building Safety Law, Code of Virginia, § 36-70 et seq.; Uniform Statewide Building Code, Code of Virginia, § 36-97 et seq.; effect of Building Code on other building regulations, Code of Virginia, § 36-98; enforcement of Building Code, appeals from decisions of local building department, inspection of buildings, Code of Virginia, § 36-105; voluntary apprenticeship, Code of Virginia, § 40.1-117 et seq.; contractors, Code of Virginia, § 54.1-1100 et seq.

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ARTICLE I. IN GENERAL

Sec. 9-1. Fire districts--Creation and designation.

The two fire districts as set out in Sections 9-2 and 9-3 are hereby created and established within the Town and shall be known as the first fire district and the second fire district, respectively.

(Code 1972, § 9-1)

Cross reference(s)--Fire protection, Ch. 12.

Sec. 9-2. Same--First district.

The first fire district of the Town is comprised of the following portions of the Town:

- (1) All the area extending back 150 feet from the north side of Roanoke Street and between the southeast side of East Main Street and the eastern corporate limits of the Town.
- (2) All the area extending back 150 feet from the southeast side of First Street and the south side of Roanoke Street, beginning at the northeast side of Pepper Street; thence northeasterly along First Street and easterly along Roanoke Street to the eastern corporate limits of the Town.
- (3) All the area bounded by Roanoke Street on the northeast, East Main Street and West Main Street on the northwest, Chrisman Street on the southwest and First Street on the southeast.
- (4) All the area extending back 135 feet from the northeast side of Pepper Street, lying between the southeast side of Hill Street and the northwest side of East Main Street.
- (5) All the area bounded on the southeast by East Main Street, on the northeast by Pepper Street, on the northwest by Depot Street and on the southwest by North Franklin Street.
- (6) All the area bounded on the southeast by West Main Street, on the northeast by North Franklin Street, on the northwest by Depot Street and further bounded on the southwest and northwest by College Street and on the southwest by Radford Street.

(Code 1972, § 9-2)

Sec. 9-3. Same--Second district.

The second fire district of the Town is comprised of the following portions of the Town:

- (1) All the area extending back 150 feet from the southeast side of First Street and lying between the southwest side of Pepper Street and the northeast side of Chrisman Street.

- (2) All the area extending back 150 feet from the southwest side of Radford Street and lying between the northwest side of West Main Street and the east side of Depot Street.
- (3) All the area extending back 150 feet from the northeast side of Radford Street and lying between the northwest side of College Street and the east side of Depot Street.
- (4) All the area extending back 150 feet from the northwest and southwest sides of College Street and lying between the northeast side of Radford Street and the south side of Depot Street.
- (5) All the area extending back 150 feet from the east and southeast sides of Depot Street, lying between the northeast side of Radford Street and the southwest side of College Street.
- (6) All the area extending back 150 feet from the southeast side of Depot Street and lying between the northeast side of Pepper Street and the southeast side of Stuart Street.
- (7) All the area extending back 150 feet from the west side of Depot Street and the northwest side of Depot Street and extending from the north side of Radford Street to a location on the northwest side of Depot Street opposite the south side of Stuart Street.

(Code 1972, § 9-3)

Sec. 9-4. Violations.

Any person who violates a provision of this chapter shall be fined not more than \$1,000.00.

Secs. 9-5--9-25. Reserved.

ARTICLE II. BUILDING CODE

Sec. 9-26. Adopted.

There is hereby adopted by reference in the Town the Virginia Uniform Statewide Building Code. The provisions of such Code shall control all matters concerning the construction, alteration, addition, repair, removal, demolition and maintenance of all buildings, and all other functions which pertain to the installation of systems vital to all buildings and structures and their service equipment as defined by such Code, and shall apply to existing and proposed buildings or structures in the Town.

(Code 1972, § 9-4)

Sec. 9-27. Building Official.

There is hereby established the Office of Building Official, who is the head of his Department. He shall be appointed by the Town Manager.

Cross reference(s)--Administration, Ch. 2.

Sec. 9-28. Building Inspector.

There is hereby established the position of Building Inspector, whose responsibility it is to enforce the provisions of the Virginia Uniform Statewide Building Code as stated in Section 103.1 of such Code. The cost of enforcement may be defrayed through the levying of fees by the Town as provided in Code of Virginia, § 36-105. The Building Inspector shall be appointed by the Town Manager and operate under the supervision of the Building Official. The Building Inspector in concurrence with the Building Official shall be responsible for the organization and daily enforcement of the Virginia Uniform Statewide Building Code.

(Code 1972, § 9-5)

Cross reference(s)--Administration, Ch. 2.

Sec. 9-29. Fee schedule.

No permit, as required by the Virginia Uniform Statewide Building Code to begin work, shall be issued until the fees prescribed in this section have been paid. The fees shall be affixed at the following rates:

(1) Residential:

New construction, additions, remodeling, and placement of modular homes and double-wide manufactured homes, carports, decks, and garages (attached): \$0.22 per square foot of total space or area to be built including all floors and basements.

Replacement of a mobile home: \$30.00.

Change in mechanical equipment, heating equipment, ventilating equipment, and air conditioning equipment: \$30.00.

(2) Commercial and Industrial:

New construction, remodeling, and additions: \$3.50 per \$1,000.00 value or fraction thereof.

(3) Miscellaneous fees:

Value less than \$500.00 and no inspection required: no charge.

Value greater than \$500.00 and inspection is required: \$30.00.

Driveway or curbcut: \$30.00.

Water or sewer line replacement: \$30.00.

Swimming pool or spa: \$35.00.

Accessory building (residential): \$30.00.

Moving of a building: \$100.00.

Demolition: \$40.00.

Asbestos removal: \$35.00.

Electrical service addition or upgrade: \$30.00.

Discontinued electrical service over 30 days: \$30.00.
Temporary outdoor advertising/sign: \$30.00.
Permanent outdoor advertising/sign: \$50.00.

(4) *Re-inspection fee (payable before re-inspection:*

\$100.00 per re-inspection.

(5) *Minimum:*

In any case, the minimum permit fee shall be \$30.00 (with any exceptions noted in this section).

(Code 1972, § 9-6; Ord. of 6-15-99(1); Ord. 2002-6 of 7-2-02; Ord. 2004-3 of 6-15-04; Ord. 2005-3 of 6-07-05; Ord. 2008-3 of 6-3-08)

Cross reference(s)--Fees for antenna permit, § 6-49.

Sec. 9-30. Building Code Board of Appeals.

(a) The owner of a building, the owner's agent, or any other person directly involved in the design and/or construction of a building or structure may appeal to the Building Code Board of Appeals within 90 calendar days from a decision of the Building Official when it is claimed that:

(1) The Building Official has refused to grant a modification which complies with the intent of the provisions of the Uniform Statewide Building Code (USBC);

(2) The true intent of the USBC has been incorrectly interpreted;

(3) The provisions of the USBC do not fully apply; or

(4) The use of a form of construction that is equal to or better than that specified in the USBC has been denied.

(b) The Board of Appeals shall be appointed and function in conformance with Section 116.0 of the Uniform Statewide Building Code.

(c) Compensation shall be determined by the Town Council.

(Code 1972, § 9-7)

Cross reference(s)--Administration, Ch. 2.

Sec. 9-31. Copies available for inspection.

Copies of the Virginia Uniform Statewide Building Code may be viewed in the Town Manager's Office in the Municipal Building on East Main Street in the Town between the hours of 8:00 a.m. and 5:00 p.m. on Monday through Friday, except when these days are legal holidays. (Code 1972, § 9-8)

Sec. 9-32. Manufactured homes not bearing a U.S. Department of Housing seal and

modular manufactured homes not bearing a Virginia Department of Housing and Community Development Registration seal prohibited.

Manufactured homes constructed before June 15, 1976 shall not be allowed within the Town of Christiansburg. All manufactured homes constructed after June 15, 1976 shall have a U.S. Department of Housing seal affixed to the manufactured home at the point of manufacture certifying that the manufactured home is built to HUD standards at the time of manufacture.

Modular manufactured homes not having a valid Virginia Registration seal affixed certifying that the unit is built to Department of Housing and Community Development standards at the time of manufacture shall not be allowed within the Town of Christiansburg.

(Ord. 2002-2 of 3-5-02)

Secs. 9-33--9-50. Reserved.

ARTICLE III. UNSAFE BUILDINGS, WALLS AND STRUCTURES*

*Cross reference(s)--Town Council, § 2-31 et seq.; nuisances, Ch. 16.

Sec. 9-51. Authority of Town.

Pursuant to Code of Virginia, § 15.1-867, the Town, its officials, agents or employees may proceed to compel the razing or repair of all unsafe, dangerous or insanitary public or private buildings, walls or structures which constitute a menace to the health and safety of the occupants thereof or the public.

(Code 1972, § 20-6)

Sec. 9-52. Notice.

(a) Whenever it appears to the Town Manager that any condition or nuisance referred to in Section 9-51 exists, the Town Manager shall cause a notice to be served in the manner provided by law for legal service of process upon the owner or occupant of the property or premises affected, stating the location of the property or premises subject to the condition or nuisance complained of and the particulars thereof; and that if the same is not abated or obviated within 48 hours or 60 days with respect to all unsafe, dangerous or insanitary public or private buildings, walls or structures, the condition or nuisance will be abated, removed or obviated by the authorities of the Town at the cost and expense of such owner or occupant.

(b) Should the owner or occupant of the property or premises affected be a nonresident of the Town or unknown, then the notice required shall be published once a week for two consecutive weeks in a newspaper having general circulation in the Town and by mailing a copy of such notice to the last known address of the owner or occupant of the property or premises affected; in which event the period of 60 days for such notice shall begin with the date of the last publication.

(c) Such notice shall inform the owner or occupant of the property or premises affected that he may appear before the Town Council by giving to the Town Manager written notice that such hearing is desired, which notice shall be served upon the Town Manager in the manner provided for by law for service of process within ten days following receipt of notice of the condition or nuisance complained of.
(Code 1972, § 20-7)

Sec. 9-53. Hearing.

Upon receipt of the notice provided for in Subsection 9-52(c), the Town Manager shall place the matter for hearing upon the agenda for the next regular meeting of the Council or a meeting called for that purpose and inform the owner or occupant of the property or premises affected of the date and time thereof. At such hearing such owner or occupant of the premises affected may appear and show cause, if any he can, why the condition or nuisance should not be abated, removed or obviated. Technical or expert testimony may be presented by either party.
(Code 1972, § 20-8)

Sec. 9-54. Appeal from ruling of Council.

From any adverse holding of the Town Council at a hearing as provided herein, the owner or occupant requesting such hearing shall have a right to review thereof by the Circuit Court of the County, which appeal must be taken within ten days following such hearing by written petition setting forth in particular the basis therefor filed in the Clerk's Office of such Court and a copy thereof served upon the Town Manager, and which may then be heard by the Judge of such Court upon its merits without further formal pleadings.
(Code 1972, § 20-9)

Sec. 9-55. Enforcement by Council.

In the event of the failure of the owner or occupant of the property or premises affected to abate or obviate the condition or nuisance within the period specified in such notice or to show cause before the Council why the same should not be abated, removed or obviated, the Council, or its agent, at any regular or special meeting following the expiration of such period specified in the notice, shall order the condition or nuisance abated, removed or obviated in such manner as may be prescribed by the Council.
(Code 1972, § 20-10)

Sec. 9-56. Recovery of costs.

The costs and expenses of abating, removing or obviating the condition or nuisance less any recovery for materials sold shall be assessed against the persons responsible for the condition or nuisance and shall constitute a lien against the property or premises and shall be collected and recovered in like manner as state or local taxes.
(Code 1972, § 20-11)

Sec. 9-57. Quorum of Council.

A majority of the members of the Council shall constitute a quorum for any action

required under this chapter.
(Code 1972, § 20-12)

Sec. 9-58. Emergency provisions.

(a) Whenever in the judgment of the Town Manager, after due inspection, any building, wall or structure of any kind has become dangerous and unsafe to persons passing upon the streets, alleys or other public places or on private property or to adjoining property or constitutes an undue fire hazard and such hazards constitute a present and immediate emergency, the Town Manager is directed to place upon such building, walls or structures a placard warning all persons of the hazards.

(b) Any person tampering with or removing such placard or ignoring the warning therein contained shall be punished as provided in Section 1-6.

(c) Any person aggrieved by any such posting shall have the same right to a show cause hearing with reference thereto as provided herein.
(Code 1972, § 20-13)

Sec. 9-59. Other remedies.

(a) The enactment of this article shall not limit the power of the authorities of the Town to proceed by other process to compel the abatement of nuisances.

(b) In the discretion of the Town Council, the procedure herein provided shall be an optional alternate remedy for the abatement or removal of all nuisances defined as such by general law, applicable statute or other ordinance.
(Code 1972, § 20-14)